

FIRST CALLED SESSION

By Juan J. Hinojosa

H.B. 48

A BILL TO BE ENTITLED

AN ACT

relating to the polygraph examination of a complainant of a violent offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.051 to read as follows:

Art. 15.051. POLYGRAPH EXAMINATION OF COMPLAINANT PROHIBITED. (a) A peace officer or attorney representing the state shall not require a polygraph examination of a person who charges or who seeks to charge in a complaint the commission of an offense under Sections 21.11, 22.011, 22.021, and 25.02, Penal Code.

(b) If a peace officer or attorney representing the state requests a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subsection (a) of this article, the peace officer or attorney must inform the complainant that the examination is not required.

(c) A complaint may not be dismissed solely because a complainant did not take a polygraph examination or because of the results of a polygraph examination taken by the complainant.

SECTION 2. This Act takes effect September 1, 1989.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended.

FIRST CALLED SESSION

H. B. No. 48

By Hinojosa

A BILL TO BE ENTITLED

AN ACT

RELATING TO THE POLYGRAPH EXAMINATION OF A COMPAINTANT
OF A VIOLENT OFFENSE.

JUN 21 1989

JUN 22 1989

1. Filed with the Chief Clerk.

2. Read first time and Referred to Committee on

Criminal Jurisprudence

3. Reported ___ favorably (as amended) and sent to Printer at ___
(as substituted)

4. Printed and distributed at _____

5. Sent to Committee on Calendars at _____

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of ___ yeas, ___ nays, ___
present, not voting).

7. Motion to reconsider and table the vote by which H.B. ___ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ yeas,
___ nays, and ___ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of ___ yeas, ___ nays, and ___
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of ___ yeas, ___ nays, ___ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. ___ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ yeas, ___
nays, and ___ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(___ yeas, ___ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____